

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

LENA BALLY; *et al.*,

Plaintiffs,

v.

GRETCHEN WHITMER, in her  
capacity as Governor of Michigan; *et  
al.*,

Defendants.

Civil Action No.: 20-cv-01088

Honorable Janet T. Neff

**MOTION BY NON-PARTIES MICHIGAN STATE CONFERENCE  
NAACP, WENDELL ANTHONY, YVONNE WHITE, AND ANDRE  
WILKES TO INTERVENE AND FOR LEAVE TO FILE A RESPONSIVE  
PLEADING ON THE SAME SCHEDULE AS DEFENDANTS**

**EXPEDITED CONSIDERATION REQUESTED**

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, the Michigan State Conference NAACP (“NAACP-MI”) and Wendell Anthony, Yvonne White, and Andre Wilkes (together, the “individual Applicants”) (collectively, “Applicants”) respectfully move to intervene in this case and become Defendants.

Applicants seek intervention as of right under Rule 24(a)(2) or, alternatively, permissive intervention under Rule 24(b)(1)(B). This motion is based upon the Memorandum filed herewith.

Applicants request expedited consideration of this motion, because the Plaintiffs’ Complaint seeks an injunction prohibiting the Defendants from certifying the results of the November 3, 2020, General Election. The deadline for Michigan to avail itself of the “safe harbor” for its presidential electors by certifying the results of the election is December 8, 2020, 3 U.S.C. § 5; *see Bush v. Gore*, 531 U.S. 98, 110 (2000); and the date on which those electors are to give their votes is December 14, 2000, 3 U.S.C. § 7.

WHEREFORE, Applicants respectfully request that this Court grant its motion to intervene as of right, or in the alternative, grant permissive intervention, and that the Court grant Applicants leave to file a pleading on the date upon which Defendants must file a pleading in response to the Complaint.

Dated: November 14, 2020

Respectfully submitted,

/s/ Eugene Driker

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, the foregoing memorandum of law in support of motion to intervene was filed electronically and served on Plaintiffs' counsel of record via the ECF system of the U.S. District Court for the Western District of Michigan; and via e-mail on counsel for defendants.

Dated: November 14, 2020

/s/ Eugene Driker